

MINUTES
OF
THE UTAH RADIATION CONTROL BOARD

June 2, 2006

DEQ Building #2

Conference Room 101

168 N 1950 W

Salt Lake City, Utah 84114-4850

BOARD MEMBERS PRESENT

Karen S. Langley, M.S., Chair
Stephen T. Nelson, Ph.D., Vice Chair
Dianne R. Nielson, Ph.D., Director of DEQ
Dane L. Finerfrock, Executive Secretary
Kent J. Bradford, P.G.
Rod O. Julander, Ph.D.
Linda M. Kruse, M.S.
Gregory G. Oman, D.D.S., B.S.
John W. Thomson, M.D.

PUBLIC

Robert Baird, URS
Mark Ledoux, EnergySolutions, LLC
Jason Groenewold, HEAL Utah
Judy Fahys, Salt Lake Tribune
Dave Frydenlund, IUC (USA) Inc.
Mark Ledoux, EnergySolutions, LLC
Brett Rogers, EnergySolutions, LLC
Tye Rogers, EnergySolutions, LLC
Dan Shrum, EnergySolutions, LLC
Jim Sweet, Gamma West Brachytherapy

BOARD MEMBERS ABSENT/EXCUSED

Patrick D. Cone
Frank D. DeRosso, MSPH, C.I.H.
Joette E. Langianese, Commissioner
Joseph K. Miner, M.D., MSPH
Robert S. Pattison, B.Sc.

**DRC STAFF/OTHER DEQ MEMBERS
PRESENT**

Gwyn Galloway, DRC Staff
Philip Griffin, DRC Staff
David Hogge, DRC Staff
Craig Jones, DRC Staff
Loren Morton, DRC Staff
Yoli Necochea, DRC Staff
Fred Nelson, Attorney General's Office
Raymond Nelson, DRC Staff
Donna Spangler, DEQ/Office of Policy and
Planning

GREETINGS/MEETING CALLED TO ORDER

The Utah Radiation Control Board convened in DEQ Building #2, Room 101, 168 North 1950 West, Salt Lake City, Utah. Karen S. Langley, Chair, called the meeting to order at 2:00 p.m. She welcomed the Board Members and the public. Karen Langley indicated that if the public wished to address any items on the agenda, they should sign the public sign-in sheet. Those desiring to comment would be given an opportunity to address their concerns during the comment period.

I. APPROVAL OF MINUTES (Board Action Item)

a. Approval of May 5, 2006, Minutes

Karen Langley asked Board Members for corrections to the minutes of May 5, 2006. Stephen T. Nelson proposed the following corrections to the Minutes:

1. Page 5, Item VII., a., under the subtitle where Ms. Nakahara described Senate Bill S. 2589, on bullet two: **“It allows DOE to do construction. The DOE is licensed for Yucca Mountain.”**

Stephen T. Nelson said: there is not a license for Yucca Mountain and there has not been one submitted.

Stephen T. Nelson asked for a second correction:

2. Page 6, Item VII., a., bullet six: “Modifies the NRC Waste Confidences Rule. The Rule tasks NRC to determine, if there is . . . The modification to the Rule will allow NRC to dispose of commercial, spent nuclear-fuel in a timely manner.”

Stephen T. Nelson requested the correction to read: **“NRC is the regulator. DOE is the disposal agency.”**

Kent J. Bradford:

3. Page 6, Item VII. b., under the subtitle which reads: “Questions by the Board, first paragraph:

“Joette E. Langianese, Grand County Commissioner, expressed her concern to be better informed on important issues in Radiation Control (especially IUC issues). For example, how long the IUC project would last, and how . . .

Kent J. Bradford, P.G. continued: This would be better expressed if we said: “She wanted to be better informed and Grand County would have wanted to provide comments.”

Karen S. Langley suggested that a motion be made to approve the minutes with the recognition that the minutes would be reviewed and there may be further clarification.

MOTION WAS MADE BY ROD O. JULANDER TO APPROVE THE MINUTES OF MAY 5, 2006, WITH THE RECOGNITION THAT THE MINUTES WOULD BE REVIEWED, AND THERE MAY BE FURTHER CLARIFICATION. IN ADDITION, THE BOARD'S QUESTIONS WILL BE RESOLVED, AND THEY WILL BE REFLECTED IN THE MINUTES.

SECONDED BY JOHN W. THOMSON

MOTION CARRIED AND PASSED UNANIMOUSLY

II. RULES (Board action items)

a. Approval of Changes and 30-day Public Comment Period for R313-22, "Specific Licenses".

Philip Griffin, Health Physicist, informed Board Members about proposed changes to the Utah Radiation Control Rule 313-22. He said new requirements were added for licensees possessing sealed sources, above a certain quantity, to submit a funding plan for decommissioning. It requires waste collectors and waste processors to provide financial-assurance based on the funding plan. Cost estimates for decommissioning will be adjusted at intervals not to exceed 3 years.

The financial-assurance base-amounts for decommissioning in R313-22-35(4) were increased. References to the Nuclear Regulatory Commission's guidance document for decommissioning and financial-assurance has been updated. References to the Code of Federal Regulations (CFR) have been updated to the current edition.

RECOMMENDATION:

The Executive Secretary recommended that the Board approve the proposed changes to R313-22; direct staff to file the changes for rulemaking; and direct staff to give notice to the public of a 30-day comment period. He recommended the proposed changes to R313-22 be published in the Utah State Bulletin on July 1, 2006.

Questions by Board Members:

Q. Kent J. Bradford:

"Do you know how many facilities there are in the State that are required to have a financial surety mechanism?"

A. Dane L. Finerfrock:

“There are twelve including the uranium mills and EnergySolutions.”

Q. Kent J. Bradford:

“So, those would be the facilities that would like to comment on this rule?”

A. Phillip Griffin

“All but the Uranium Mills. They have their own approach for financial surety as a waste disposal site. We also have identified one facility that does not have financial surety that would be affected by this rule.”

Q. Kent J. Bradford:

“Since it is such a small group, I wonder if it wouldn’t be appropriate, in this case, to send a letter to all of the mines clarifying that this rule is out for public comment; otherwise, they might not see it.”

A. Karen S. Langley:

“It sounds like a good idea. It really does have a financial impact.”

Q. Rod O. Julander:

“How much flexibility does the State have?”

A. Dane L. Finerfrock:

“The Division is updating the rule to comply with Federal regulations.”

A. Philip Griffin:

“There are different rule compatibility categories: A through D, Health and Safety, and NRC. The NRC category is for rules where NRC maintains exclusive jurisdiction. For the compatibility categories D, and Health and Safety, the NRC recommends that Agreement States adopt rules that are similar to and compatible with the NRC's regulations. The issue of radioactive-waste disposal is a very sensitive political issue in the State. The Division wants to ensure that licensees have enough funding available for the decommissioning of their facilities where radioactive materials were used. This is important so that the citizens of Utah do not have to “foot the bill” to decommission a licensee's facility.”

Q. Rod O. Julander:

“And you said there is one facility that does not have the funds now. Is it a requirement that they have the funds?”

A. Philip Griffin:

“They did not have quantities that were required by the old rule. Because they are a waste collector or waste processor, they are not required to have financial surety.”

Q. Rob O. Julander:

“What is the financial burden that we would be placing on these facilities?”

A. Philip Griffin:

“It would be anywhere from ten to hundreds of thousands of dollars depending on how much they have sold. The particular facility we are talking about is already collecting material they have sent out.”

**MOTION WAS MADE BY ROD O. JULANDER TO ACCEPT THE PROPOSED CHANGES FOR R313-22 RECOMMENDED BY THE EXECUTIVE SECRETARY AND TO MAKE THIS RULE EFFECTIVE AUGUST 11, 2006.
SECONDED BY LINDA M. KRUSE.**

MOTION CARRIED AND PASSED UNANIMOUSLY

- b. Approval of Changes and 30-day Public Notice for Rule R313-19, “Requirements of General Applicability to Licensing of Radioactive Material”.**

Gwyn Galloway, Health Physicist, said the U.S. Nuclear Regulatory Commission (NRC) has made regulation changes, and the Utah Radiation Control (URC) Rules must be modified to meet NRC compatibility requirements. The changes to NRC’s regulations includes a modification to the requirement regarding the security of portable gauges containing radioactive materials.

NRC’s revision to the requirement for portable gauge security was limited to the terms and conditions of licenses; consequently, proposed changes to URC Rules are also limited in scope. The proposed changes will meet compatibility requirements of the NRC and are not more restrictive than the federal requirements.

Questions by Board Members:

Board members asked general questions regarding what types of devices would fall under this requirement, and how the requirement would be managed. All questions were answered by Ms. Galloway. The Board was satisfied with the answers, and the following recommendation was made:

RECOMMENDATION:

The Executive Secretary recommended the approval of the proposed changes to R313-19; direct staff to file the changes for rulemaking; and direct staff to give notice to the public of a 30-day comment period. He proposed that the changes to R313-19 be published in the Utah State Bulletin on July 1, 2006.

**MOTION WAS MADE BY GREGORY G. OMAN TO ACCEPT THE PROPOSED CHANGES FOR R313-19 RECOMMENDED BY THE EXECUTIVE SECRETARY, FOR THE DIVISION TO GIVE PUBLIC NOTICE, AND TO MAKE R313-19 EFFECTIVE JULY 10, 2006.
SECONDED BY STEPHEN T. NELSON.**

MOTION CARRIED AND PASSED UNANIMOUSLY

- c. Approval for Continuing Rules R313-12, R313-14, R313-16, R313-17 and R313-18.**

David Hogge, Health Physicist, said the Utah Administrative Rulemaking Act requires each rule writing agency to review each of its rules within five years of the rule's original effective date or within five years of the filing of the last five year review, whichever is later. Rules R313-12, R313-14, R313-16, R313-17 and R313-18 must be reviewed by July 23, 2006.

RECOMMENDATION:

David Hogge said the Executive Secretary has respectfully asked the Board to approve the continuance of the rules and direct staff to file the five year notice of review and statement of continuation. If the Board approves of this action, the rules will be submitted to the Division of Administrative Rules to be made effective on July 10, 2006.

Questions by Board Members:

The Board asked for a schedule of expected updates to the rules to be provided at the next board meeting.

**MOTION MADE BY KENT J. BRADFORD TO DIRECT THE
DIVISION TO FILE THE FIVE YEAR REVIEW FOR CONTINUATION
FOR RULES R313-12, R313-14, R313-16, R313-17 and R313-18.
SECONDED BY GREGORY G. OMAN**

MOTION CARRIED AND PASSED UNANIMOUSLY.

**III. RADIOACTIVE MATERIALS LICENSING/INSPECTION
No Items**

IV. X-RAY REGISTRATION/INSPECTION (Board action item)

**a. Certification of Individuals as "Mammography Imaging
Medical Physicists".**

Craig Jones, Manager, said there were nine individuals seeking recertification as a Mammography Imaging Medical Physicists. Craig noted that all of the individuals named on the information sheet submitted applications. They indicated that they have performed the required amount of work, and have maintained an appropriate amount of Continuing Education Units.

Craig asked that the nine individuals, named in the Board packet, be approved as a Mammography Imaging Medical Physicists. The certification period would be from June 1, 2006 through May 30, 2007.

Questions by Board Members:

There was one comment noting that some of the individuals reside out of state. Craig Jones explained that it was not an issue, because the requirements for the work performed by Mammography Imaging Medical Physicists were Federal Regulations.

**MOTION WAS MADE BY KENT J. BRADFORD TO RECERTIFY THE NINE NAMED MAMMOGRAPHY IMAGING MEDICAL PHYSICISTS
SECONDED BY JOHN W. THOMSON**

MOTION CARRIED AND PASSED UNANIMOUSLY

V. RADIOACTIVE WASTE DISPOSAL (Board Action Item)

a. EnergySolutions “Notification of Further Proceedings” - Approval for Cedar Mountain Request and Petition.

Fred Nelson, Attorney General’s Office, said the Board had received a Request for Agency Action from Cedar Mountain Environmental and Energy Solutions. Fred Nelson explained to the Board that under the State Administrative Procedures Act there is a defined process that the board should go through in considering the request. Under state law, the Board has to issue a “Notification of Further Proceedings”. This is recognition that the Board has received the request and has a defined process to consider the request. The Request for Intervention and EnergySolutions’ comments will be heard at the August board meeting.

**MOTION WAS MADE BY ROD O JULANDER TO ADOPT THE NOTIFICATION OF FURTHER PROCEEDINGS.
SECONDED BY STEPHEN T NELSON**

MOTION CARRIED AND PASSED UNANIMOUSLY

VI. URANIUM MILL TAILINGS UPDATE (Board information item)

a. Uranium Mine and Claims Activities

Raymond Nielson, Health Physicist, said Steve Erickson approached the Board with concerns about Uranium Mines and Claims in Utah. The Board requested the Division to look into mining claims and how they have changed. Raymond Nielson referred the Board to a memorandum in the Board’s packet that addressed Staff’s findings. Basically, he said there have been large increases in prospecting in Utah. The actual numbers cannot be determined, until the claim holders actually request permits to mine a specific ore or mineral. Geologists

working out of BLM agencies in Grand, San Juan, Garfield, and Emery counties have observed prospecting in areas known to contain Uranium or other Radioactive Ores.

VII. OTHER DIVISION ISSUES

- a. **Election of Chair Person and Vice Chair Person for the Period of July 1, 2006, through June 30, 2007.**

Karen Langley, Chair Person, stated that she enjoyed her time as Chair Person for the Board and that it was time to elect a new Chair Person and Vice Chair Person for the next year.

**ROD O JULANDER NOMINATED KENT J BRADFORD AS CHAIR.
GREG G OMAN SECONDED THE NOMINATION.**

MOTION CARRIED AND PASSED UNANIMOUSLY

**KENT J BRADFORD NOMINATED STEPHEN T NELSON AS VICE
CHAIR PERSON.
LINDA M KRUSE SECONDED**

MOTION CARRIED AND PASSED UNANIMOUSLY

- b. **Board Membership Changes**

Dane L. Finerfrock, Executive Secretary, said there were four Board Members whose terms were due to expire. He said he asked the Governor to extend the term of Rod O. Julander by three months, and John W. Thomson has accepted a second term with the board.

He said Linda Kruse is moving on to other things, and her term will end. He said Karen Langley, Chair, is leaving the board at the end of her second term. Dane Finerfrock expressed his appreciation to Linda Kruse and Karen Langley for their service.

VIII. PUBLIC COMMENT

First speaker, Jason Groenewold, HEAL Utah:

Jason Groenewold requested to speak to the Board. Since the subject was a matter pending before the Board and the other interested parties were not present, it was decided to address the matter at the next board meeting in August.

IX. OTHER ISSUES

Discussion on Possible Board Meeting – July 7, 2006

The Board decided that there would not be a meeting held in July, 2006.

Next Scheduled Board Meeting: August 4, 2006, DEQ Bldg. #2, Conference Room 101, 168 N 1950 West, Salt Lake City, Utah.

**MOTION WAS MADE BY GREGORY G. OMAN TO ADJOURN THE BOARD MEETING
SECONDED BY KENT J. BRADFORD.**

MOTION CARRIED AND PASSED UNANIMOUSLY

THE BOARD MEETING ADJOURNED AT 3:25 P.M.